

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DMYTRO SUKACH,

Plaintiff,

v.

UNITED STATES CITIZEN AND  
IMMIGRATION SERVICES SAN  
FRANCISCO ASYLUM OFFICE,

Defendant.

CASE NO. C24-0515JLR

ORDER

Before the court is *pro se* Plaintiff Dmytro Sukach's complaint against Defendant United States Citizen and Immigration Services San Francisco Asylum Office ("USCIS"). (Compl. (Dkt. # 1).) On July 18, 2024, the court ordered Mr. Sukach to show cause as to why this action should not be dismissed for failure to comply with Federal Rule of Civil Procedure 4(m)'s 90-day timeline to serve USCIS with a summons and a copy of the complaint. (7/18/24 Order (Dkt. # 3).) Mr. Sukach responded to the

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1 court's order on July 24, 2024. (Resp. (Dkt. # 4).) The court finds that Mr. Sukach has  
2 not complied with Rule 4 and therefore dismisses his complaint without prejudice.

3 Federal Rule of Civil Procedure 4(c) governs service. That rule provides that "[a]  
4 summons must be served with a copy of the complaint" by someone "who is at least 18  
5 years old and not a party" "within the time allowed by Rule 4(m)." Fed. R. Civ. P.

6 4(c)(1)-(2). Rule 4(m) provides that

7 [i]f a defendant is not served within 90 days after the complaint is filed, the  
8 court—on motion or on its own after notice to the plaintiff—must dismiss  
9 the action without prejudice against that defendant or order that service be  
made within a specified time. But if the plaintiff shows good cause for the  
failure, the court must extend the time for service for an appropriate period.

10 Fed. R. Civ. P. 4(m).


11 Here, Mr. Sukach states he served USCIS by Certified Mail and via email in April  
12 2024. There are two problems with Mr. Sukach's attempts to serve USCIS. First, Rule  
13 4(c) requires a summons to be served with a copy of the complaint. Fed. R. Civ. P.  
14 4(c)(1). It is not clear, however, what document(s) Mr. Sukach mailed or emailed to  
15 USCIS. (*See generally* Resp.) Second, Mr. Sukach attempted to effectuate service  
16 himself (*see* Resp. at 5-6), which Rule 4(c)(2) prohibits, *see Nguyen v. Lucky*, No. EDCV  
17 18-1452 JGB (SPx), 2018 WL 10014508, at \*1 (C.D. Cal. Aug. 13, 2018) ("Plaintiff  
18 attempted service through FedEx Express mail, but it appears he mailed the documents  
19 himself. Rule 4(c) expressly prohibits a party to the action from effectuating service, and  
20 this prohibition includes service through mail."); Fed. R. Civ. P. 4(c)(2) (providing  
21 service of the summons and complaint may be made by "[a]ny person who is at least 18

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1 years old and not a party”). Mr. Sukach therefore failed to properly serve USCIS within  
2 90 days of filing his complaint, and the court finds no good cause for that failure.

3 Because Mr. Sukach failed to properly serve USCIS within 90 days after filing his  
4 complaint, the court DISMISSES Mr. Suckach’s claims, and this action, without  
5 prejudice.

6 Dated this 11th day of September, 2024.

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8 JAMES L. ROBART  
United States District Judge